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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,081	02/01/2001	Christian Leo Marie Vermote	CM1883/MH	8459

27752

7590

07/25/2002

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EXAMINER

EINSMANN, MARGARET V

ART UNIT

PAPER NUMBER

1751

5

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-5

## Office Action Summary

Application No.

09/762,081

Applicant(s)

VERMOTE, CHRISTIAN LEO  
MARIE

Examiner

Margaret Einsmann

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 13-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 13-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,13,14-23,25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregorian et al., US 4,347,145. Gregorian et al disclose fabric treatment compositions comprising dye fixatives and magnesium chloride.

Example 2 in col 8 lines 33 et seq. discloses a composition comprising 26.1% modified glyoxal resin as claimed in claim 14 and 1% magnesium chloride as claimed in claims 20-23.

Example 1 in col 7 lines 57 et seq. discloses as dye fixative a formaldehyde dicyandiamide condensate as claimed in claim 15.

Example 5 in column 9 lines 40 et seq. also discloses a formaldehyde condensate and magnesium chloride.

Example 7 discloses Sandofix WE and magnesium chloride.

Regarding the limitations of claims 25-26, line 35 of column 9 states that the fabric had good crocking properties. Additionally, since patentee is using a dye fixative, he is solving the same problem as applicant.

at 1, 5

1.89%

Note also Gregorian et al., 4,208,173, examples 23 and 24 in column 15.

Claims 1,2, 13,16-18, 21, 25-27 rejected under 35 U.S.C. 102(a) as being anticipated by Masschelein et al., EP 811,680. Examples 1 on page 9 discloses fabric softening compositions comprising a mixture of two cationic dye fixing agents, 1% Tinofix ECO and 2 % Rewin SRF-O and 600 ppm of electrolyte , which is .06%. Page 8 discloses that the electrolyte is calcium chloride. Regarding the limits of claims 25-27, the abstract states that the composition effectively reduces the amount of dyes released from coloured fabrics upon domestic wet treatment. *out*

Claims 1,2,13,16-18,21,25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al., WO 97/46650. Example 1 on page 20 discloses a fabric softening composition comprising 1% Sandofix TPS, a cationic cellulose reactive dye fixing agent and 600 ppm of electrolyte , which is .06%. Page 19 discloses that the electrolyte is calcium chloride. Regarding the limits of claims 25-27, the abstract states that the composition effectively reduces the amount of dyes released from coloured fabrics upon wet treatment. Page 1, under background of the invention, states that the process is applied to the domestic treatment of coloured laundry.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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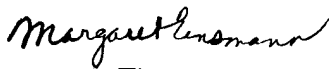
invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 19, 20, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. Baker et al is relied upon in the above rejection as disclosing a composition comprising a dye fixative and an electrolyte in an amount of .06%, which is calcium chloride. Patentee does not give working examples of all of the limitations of these claims, however, the disclosure teaches the limitations as claimed as equivalent to those in the example in the following manner. Regarding the limitation of claim 14, applicant states in the second full paragraph on page 10 that the dye fixative may be a polyamine-cyanuric chloride condensate, which is a halogeno-triazine product as claimed. Regarding the limitations of claims 19 and 22-24, applicant states that the electrolyte may be selected from "...calcium chloride, magnesium chloride..." and may be used in an amount of 20 to 20,000 ppm (.002-20%). It would have been obvious to one having skill in the art at the time the invention was made to replace the electrolyte, calcium chloride, in example 1 with magnesium chloride and to increase the level of said electrolyte, since applicant teaches that the compositions containing said amounts and said magnesium chloride are equivalent to the composition which is exemplified.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 703-308-3826. The examiner can normally be reached on 7:00 AM -4:30 PM M-Th and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Margaret Einsmann  
Primary Examiner  
Art Unit 1751

July 23, 2002